

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID EQUIHUA,

Plaintiff,

v.

KILILO KIJAKAZI, Acting Commissioner of
Social Security,

Defendant.

Case No. 2:21-cv-01912-EJY

ORDER

On October 18, 2021, the Court granted Plaintiff's application to proceed *in forma pauperis*. ECF No. 4. After a few delays having to do with obtaining the record on appeal, the Court entered a scheduling order requiring Plaintiff to file an opening brief within thirty days. ECF No. 18. Plaintiff failed to comply with this Order as no opening brief was filed. On May 2, 2022, counsel for Plaintiff filed a Motion to Withdraw based on counsel's inability to communicate with Plaintiff. ECF No. 22. The Court entered an Order the next day (May 3, 2022) requiring Plaintiff to file a response by May 10, 2022. ECF No. 23. The shortened time was prompted by the fact that, under extensions granted, Plaintiff's opening brief was due May 6. *Id.* The Court's Order required Plaintiff to advise the Court whether Plaintiff intended to proceed with his case and whether he intended to seek new counsel. *Id.* Plaintiff did not respond to the Court's May 3, 2022 Order. Thereafter, the Court granted the Motion to Withdraw and ordered Plaintiff to file an opening brief in support of his appeal. ECF No. 25. The Order also stated "that if no opening brief on behalf of Plaintiff is filed on or before that date, the Court ... [would] issue an Order to Show Cause why this case should not be dismissed." *Id.* On June 6, 2022, the Court issued an Order to Show Cause why Plaintiff's case should not be dismissed for failure to file an opening brief. ECF No. 26. The Court gave Plaintiff through and including July 6, 2022 to respond to the Court's Order. Once again, Plaintiff failed to respond to the Court's Order.

In accordance with the above history, IT IS HEREBY ORDERED that Plaintiff's case is dismissed without prejudice for failure to comply with the Court's Orders to (1) advise if Plaintiff

1 wishes to proceed with this case, (2) file an opening brief seeking remand of this matter to the Social
2 Security Administration for further proceedings, and (3) failure to comply or otherwise respond to
3 three Court Orders.

4 DATED this 7th day of July, 2022.

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7 ELAYNA J. YOUCHAK
8 UNITED STATES MAGISTRATE JUDGE
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